

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 TIMOTHY RYAN,

8 Defendant.

Case No. 2:15-cr-00338-APG-GWF

**Order for Response to Application for
Termination of Supervised Release**

9 The Probation Office has submitted the attached application to terminate defendant
10 Timothy Ryan's supervised release. The parties are ordered to file any objection to this
11 proposal, if they have any, by Thursday, December 16, 2021.

12 DATED THIS 13th day of December 2021.

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14 UNITED STATES DISTRICT JUDGE
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**United States District Court
for
the District of Nevada**

**MOTION TO REMOVE SUPERVISED RELEASE
December 13, 2021**

Name of Offender: **Timothy Ryan**

Case Number: **2:15CR00338**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **June 14, 2018**

Original Offense: **Bank Robbery (Count 1) and Armed Bank Robbery (Count 2 and 6)**

Original Sentence: **84 Months prison, followed by 60 Months TSR.**

Date Supervision to Commence: **January 2, 2022**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

PETITIONING THE COURT

☒ To removed supervised release

CAUSE

Ryan is scheduled to satisfy his custodial sentence on January 2, 2022 and will be released from the Bureau Prisons (BOP) to commence his five-year term of supervised release. Ryan is currently housed at Devens FMC a BOP medical facility in Ayer Massachusetts. Ryan is 58 years old and his health significantly deteriorated while serving his custody sentence. In October 2020, Ryan was transferred to the Memory Disorder Unit at Devens. According to medical records received from the BOP, Ryan suffers from neurocognitive disorder. Additionally, medical records indicate Ryan is memory impaired, uncooperative/argumentative, and nonverbal.

Ryan does not have a viable release plan in place to meet his needs and will be left homeless. Ryan requires a nursing home that can provide him around the clock care. Ryan's mother resides in Las Vegas, Nevada and does not have the resources to secure placement for him and is not

RE: Timothy Ryan

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able to accept him into her home due to the extensive care he needs. Due to his significant health issues only a nursing home can accommodate his needs.

A social worker with the BOP has worked over the past several months trying to locate a facility in Nevada that would accept Ryan upon his release from BOP. Unfortunately, not a single facility would accept Ryan, with most having waiting lists, and others not equipped to handle a patient with a neurocognitive disorder. At this juncture the BOP's only option, which they are in the process of implementing, is to escort Ryan to Las Vegas on January 2, 2022, and turn him over to our office. Our office is without the resources to place Ryan in a facility that can meet his needs. The undersigned has attempted to locate services in Nevada without any success. According to a representative with the Clark County Social Services Ryan would have to be in Nevada and apply in person for a long-term housing (nursing home) before they would extend services, with this process taking months. Then the issue becomes who will fund these services as Ryan is without social security and medical insurance. Additionally, Ryan cannot apply for social services until he is "released" from BOP.

At this time, the probation office is recommending that Ryan's Judgement of Conviction be amended to remove the five years of supervised release. As the Court is aware, the statutes of conviction do not require a mandatory term of supervised release. Therefore, the Court can exercise judicial discretion in removing the term of supervised release. Once supervised release is removed, the BOP will be compelled to locate a safe release plan capable of providing Ryan with the care he needs, versus their current plan of escorting Ryan to the probation office with no safe release plan. Moreover, under Ryan's condition he will be unable to comply with any conditions of release.

Should the Court have any additional concerns please direct them to the probation office.

Respectfully submitted,

Joy Gabonia, Supervising
U.S. Probation Officer

Approved:

Todd J. Fredlund, Supervising
U.S. Probation Officer

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THE COURT ORDERS

- ☐ Remove supervised release.
- ☐ The extension of supervision as noted above.
- ☐ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):

Signature of Judicial Officer

Date